

REMARKS

Reconsideration of this application, in view of the foregoing amendment and the following remarks, is respectfully requested.

Claims 1-57 were originally presented for consideration in this application. Claims 1-28 and 51-57 have been canceled. Accordingly, claims 29-50 are currently pending in this application.

The following rejections, objections, and requirements were set forth in the Office Action:

1. An Information Disclosure Statement is objected to;
2. Claims 34 and 35 are objected to as being identical;
3. Claims 30-32 stand rejected as indefinite under 35 USC §112;
4. Claims 48-50 stand rejected under 35 USC §112 as lacking antecedent basis;
5. Claims 29-40 stand rejected under 35 USC §102(e) as being anticipated by U.S. Patent No. 6,933,491 to Maida, Jr.;
6. Claims 41-43 stand rejected under 35 USC §103 as being unpatentable over Maida in view of U.S. Patent No. 5,435,351 to Head;
7. Claims 44-47 stand rejected under 35 USC §103 as being unpatentable over Maida in view of prior art disclosed by Maida;
8. Claims 48-50 stand rejected under 35 USC §103 as being unpatentable over Maida in view of U.S. Published Application No. 2005/0092501 to Chavers, et al.

Regarding the objection to the Information Disclosure Statement, please note that the improper form referred to by the examiner is actually a part of an Office Action (for application serial no. 10/680,053) cited in the Information Disclosure Statement and was not intended to be a separate citation of references. The applicant acknowledges that a large number of Information Disclosure Statements have been filed in the present application, due to the simultaneous prosecution of several applications directed to fiber optic technology advancements for use with subterranean wells. The Court of Appeals for the Federal Circuit has ruled that a patent may be declared invalid if proceedings in an application are not disclosed to the examiner in a related application.

If the Office Actions issued in the simultaneously prosecuted applications were not disclosed to the examiner in the present application, then the applicant might be accused of inequitable conduct or "fraud on the Patent Office" for "hiding" this information from the examiner. Since it is the applicant's assignee's policy to scrupulously comply with the duties of candor and disclosure in each of its applications, the Office Actions and references cited in each of the simultaneously prosecuted applications have been cross-cited in the other pending applications.

Unfortunately, this places an inordinate burden on patent applicants and examiners. However, until the Court of Appeals for the Federal Circuit revises its position on this issue, applicants prosecuting multiple applications directed to related technology will have to file many Information Disclosure Statements out of an abundance of caution lest a resulting patent be declared invalid.

Regarding the objections to claims 34 and 35, please note that claim 35 has been amended above to correct the mistake in the originally filed claim. Claim 35 now recites that the monitor measures a light transmission quality of the second section. Claims 34 and 35 are no longer identical, and thus the examiner is respectfully requested to withdraw the objections to these claims.

Regarding the rejections of claims 30-32 under 35 USC §112, please note that these claims have been amended above to resolve these rejections. The amended claims do not recite both an apparatus and a method of using the apparatus. Therefore, the examiner is respectfully requested to withdraw the rejections of claims 30-32.

Regarding the rejections of claims 48-50 under 35 USC §112, please note that claim 48 has been amended above to correct the mistake in the originally filed claim. Claim 48 is now dependent from claim 45, in which a completion string is introduced. Therefore, the examiner is respectfully requested to withdraw the rejections of claims 48-50.

Regarding the anticipation rejections based on the Maida, Jr. reference, please note that independent claim 29 recites that an optical connector is attached to each of the first and second assemblies, with the optical connectors being connected in order to transmit light through the connected optical connectors between one optical fiber section attached to the first assembly and another optical fiber section attached to the second assembly. In the Office Action, the wellhead 106 of Maida is identified as corresponding to the first assembly, and the fiber optic cable 110 is identified as corresponding to the second assembly.

However, Maida does not describe any optical connectors which are connected to transmit light between an optical fiber section attached to the wellhead 106 and another optical fiber section attached to the fiber optic cable 110. Instead, the fiber optic cable 110 is merely inserted in the well via the wellhead 106. Therefore, independent claim 29 is not anticipated by Maida, and the examiner is respectfully requested to withdraw the rejections of claim 29 and its dependents.

Regarding the obviousness rejections based in part or wholly on the Maida reference, a *prima facie* case of obviousness has not been made out. As discussed above, Maida does not disclose the elements and limitations of independent claim 29,

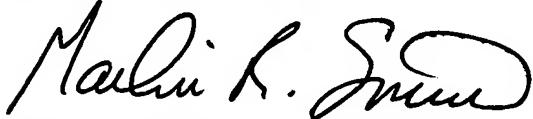
and the additionally cited Head and Chavers references do not cure this deficiency. Therefore, the examiner is respectfully requested to withdraw the obviousness rejections of claims 41-50.

In view of the foregoing amendment and remarks, all of the claims pending in this application are now seen to be in a condition for allowance. A Notice of Allowance of claims 29-50 is therefore earnestly solicited.

The examiner is hereby requested to telephone the undersigned attorney of record at (972) 516-0030 if such would expedite the prosecution of the application.

Respectfully submitted,

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Dated: June 5, 2006

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450,

on JUNE 6, 2006
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